

extent of less than 10 percent. The article contained 12 percent less than the 26 percent of protein declared.

LABEL, IN PART: "Meat Laden Munchy Dog Food (Meal)," or "Munchy Pellets * * * Munchy Dog Food." The ingredients were declared on the label as "Meat Scraps, Flaked Corn and Wheat Cereal, Dried Yeast, Dried Skim Milk, Soybean Meal Flakes, Ground Malt, Fish Meal, Kelp, Wheat Germ Oil, Calcium Carbonate, Bone Meal, Manganese Sulphate, Fortified Cod Liver Oil. * * * Guaranteed Analysis Protein (at least) 26%."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements on the label, "Guaranteed Analysis Protein (at least) 26%," (5-pound bag) "Meat-Laden * * * Makes 15 Lbs. of Meat-Laden * * * Dog Food," or (2-pound bag) "Makes 6 Lbs. of Meat-Laden * * * Dog Food," were false and misleading since the article contained less than 26 percent of protein and less than 10 percent of meat meal; and the statements on the label of the article, "Aids in Maintaining Good Health Growth A Full, Rich Coat Good Bone Formation Sound Teeth Sweet Breath Healthy Skin Resistance to Colds and Distemper * * * Safeguards Against Rickets, Black Tongue & Other Diseases Due to Nutritional Deficiencies," were false and misleading since the articles would not accomplish the results suggested and implied; and, Section 403 (f), the list of ingredients of the article, required by law to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, and devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the list of ingredients appeared on the back panel of the label.

The article was also alleged to be misbranded under the provisions of law applicable to drugs, as reported in the notices of judgment on drugs and devices, No. 1298.

DISPOSITION: April 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8024. Misbranding of dog food. U. S. v. 165 Cases of Dog Food. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11160. Sample No. 50110-F.)

LABEL FILED: November 24, 1943, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 23, 1943, from Buffalo, N. Y., by the Maritime Milling Co.

PRODUCT: 165 cases, each containing 10 5-pound bags, of dog food at Pittsburgh, Pa. Examination disclosed that the article consisted essentially of cereals and other material, including ground wheat, ground corn, ground oats, ground soya beans, and ground alfalfa; and that it contained small amounts of ground bone, charcoal, and meat tissues.

LABEL, IN PART: "Hunt Club Dog Food."

VIOLATIONS CHARGED: Misbranding, Section 403 (a) (1), the following statements on the label of the article, "Triple Value Makes 7½ Pounds Meat Abundant Food * * * Hunt Club Dog Food Plenty of Meat (In Meal Form) Vitamin-Rich A Meal Food Fortified with Vitamins A, B, Riboflavin, Niacin, D, E, F, and K," were false and misleading since such statements created the impression that the article was meat in meal form, fortified with vitamins, whereas the article consisted essentially of cereals and other vegetable products with only small quantities of meat and meat by-products; (2) the label statements, "Contains everything needed for Vibrant Health, Robust Vigor and a Luxurious Coat * * * Owners Report These Results from Hunt Club feeding Vibrant Health Strong Bone Formation Sound Teeth Pleasant Breath A Thick, Glossy Coat Absence of Eczema and Other Skin Disorders. Freedom from * * * other Nutritional Deficiency Diseases. Added resistance to Colds and Distemper," were false and misleading since use of the article would not accomplish the results and benefits suggested or implied; and (3) the label statements which represented and suggested and created the impression that the article consisted of 65 percent of protein meat meal with relatively small quantities of "Beef Liver Meal, Dried Skimmed Milk, Dried Cheese Whey, Dehydrated Cheese, Soybean Oil Meal, Processed Cereals from Corn, Wheat and Oats, Corn Germ Oil Meal, Alfalfa Leaf Meal, Wheat Bran, Dried Beet Pulp" were misleading since the article consisted essentially of cereals and other vegetable material, and contained only small quantities of meat and meat by-products.

Further misbranding, Section 403 (f), the common or usual name of each ingredient contained in the article was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the name of each ingredient contained in the article was in small type and appeared inconspicuously on the side panel.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in the notices of judgment on drugs and devices, No. 1350.

DISPOSITION: March 10, 1944. The Maritime Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

FISH AND SHELLFISH

8025. Adulteration of canned mackerel. U. S. v. B. A. Griffin Co., Inc., and Bennett A. Griffin. Plea of guilty on behalf of the corporation and plea of nolo contendere by the individual. Fines, \$400 and \$100 against corporation and individual, respectively. (F. D. C. No. 12514. Sample Nos. 47201-F to 47203-F, incl.)

INFORMATION FILED: June 21, 1944, District of Massachusetts, against the B. A. Griffin Co., Inc., and Bennett A. Griffin, president of the corporation, Barnstable, Mass.

ALLEGED SHIPMENT: On or about June 18, 1943, from the State of Massachusetts into the State of Tennessee.

LABEL, IN PART: "Griffin's Atlantic Ocean Mackerel * * * Packed for B. A. Griffin Co., Inc., Milwaukee, Wis."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid and decomposed substance, i. e., stale, putrid, and decomposed mackerel.

DISPOSITION: April 24, 1945. A plea of guilty having been entered on behalf of the corporation, and the individual defendant having entered a plea of nolo contendere, fines of \$400 and \$100, respectively, were imposed.

8026. Adulteration of salted mackerel. U. S. v. Covington Brothers & Co. (Covington Brothers & Co. of Mayfield, Inc.). Plea of guilty. Fine, \$500 and costs. (F. D. C. No. 12569. Sample No. 62923-F.)

INFORMATION FILED: September 23, 1944, Western District of Kentucky, against Covington Brothers & Co., a corporation, trading as Covington Brothers & Co. of Mayfield, Inc., at Mayfield, Ky.

ALLEGED SHIPMENT: On or about February 16, 1944, from the State of Kentucky into the State of Missouri.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed and putrid substance.

DISPOSITION: November 21, 1944. A plea of guilty having been entered on behalf of the defendant, a fine of \$500 and costs was imposed.

8027. Adulteration and misbranding of canned salmon. U. S. v. 171 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. D. C. No. 13902. Sample Nos. 78926-F, 78927-F.)

LABEL FILED: October 16, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 20, 1944, by the Keystone Storage Co., from East Liverpool, Ohio.

PRODUCT: 171 cases of canned salmon, at Chicago, Ill.

LABEL, IN PART: (Portion) "Canteen Cohoe Alaska Salmon * * * Distributed By Western Fisheries Company, Seattle, Wash."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e), a portion of the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (i) (2), it was fabricated from two or more ingredients, salmon and salt, and its label failed to bear the common or usual name of each such ingredient.